

REMARKS

Applicants thank the Examiner for the courtesy extended to Applicants' attorney during the interview held February 5, 2004, in the above-identified application. During the interview, Applicants' attorney explained the presently-claimed invention and why it is patentable over the applied prior art, and discussed other issues raised in the Office action. The discussion is summarized and expanded upon below.

The rejections of Claims 1-4 and 18 under 35 U.S.C. § 102(b) as anticipated by, and of Claims 10-17 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over, U.S. 4,495,167 (Nauroth et al), are respectfully traversed. As confirmed by Reference Example 1 herein, described in the specification at pages 6-7, the DBP absorption value reported in Nauroth et al for their Example 1 is incorrect. As confirmed in Reference Example 1, the DBP absorption value of Nauroth et al's Example 1 is only 355 g/100 g. Indeed, Applicants respectfully submit that a DBP absorption value of at least 380 g/100 g cannot be obtained by the process disclosed in Nauroth et al.

The table below tabulates the times of the steps in Nauroth et al's Example 1 and an example according to the present invention:

	<b>Invention</b>	<b>Nauroth</b>
adding waterglass and sulfuric acid together	13 min	13 min
interrupting the precipitation	90 min	90 min
<b>adding waterglass and sulfuric acid together</b>	<b>34 min</b>	<b>43 min</b>
total precipitation time	137 min	146 min
<b>final silica concentration</b>	<b>38 – 42 g/l</b>	<b>46 g/l</b>

As the table shows, the second precipitation step for the present invention was shortened about 21% from Nauroth et al, resulting in a shorter overall precipitation time and about 9-18% overall lower silica concentration. These modifications assure DBP absorption value of at least 380 g/100 g, which is neither disclosed nor suggested by Nauroth et al.

In the present Office Action, in response to the above arguments, the Examiner finds that Applicants appear to admit that the claimed product features are disclosed in Nauroth et al, and that it is unclear which of Applicants' representations to the Office is correct -- that made in Nauroth et al or that made herein, noting that they are both commonly assigned. The Examiner also appears to be concerned that Nauroth et al, which has already expired, was based on incorrect disclosure.

In reply, Applicants' assignee represents that it is not able to explain why the data shown in Table 2 of Nauroth et al, particularly Example 1, indicates a DBP number of 380 g/100g but now further represents that it is very unlikely that a silica exhibiting a DBP number greater than 380 g/100g can be produced by the process disclosed in Nauroth et al, although the assignee cannot guarantee that it is impossible. Nevertheless, this issue should now be moot, because the claims require that the DBP be greater than 380 g/100g, while Nauroth et al does not disclose a higher DBP.

For all the above reasons, it is respectfully requested that the rejections over prior art be withdrawn.

The objection of Claim 18 is respectfully traversed. As pointed out by Applicants' attorney during the above-referenced interview, Claim 18 did limit the scope of Claim 1 since it excluded the end point of 380 g/100g. Nevertheless, the objection is now moot in view of the above-discussed amendment. Accordingly, it is respectfully requested that it be withdrawn.

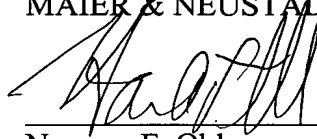
Applicants gratefully acknowledge the Examiner's indication of allowability of the subject matter of Claims 5-9. Claim 5 has been amended into independent form.

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Nevertheless, Applicants respectfully submit that all of the presently-pending claims in this application are now in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

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